



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

February 3, 2022

ALL COUNTY INFORMATION NOTICE NO. I-08-22
PROVIDER INFORMATION NOTICE PIN 22-03-CRP

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL TEMPORARY SHELTER CARE FACILITIES (TSCF)
ALL TRANSITIONAL SHELTER CARE FACILITIES (TrSCF)
ALL COUNTY PLACING AGENCIES WITH AN EXISTING
CONTRACT WITH A TSCF
ALL COUNTY PLACING AGENCIES WITH AN EXISTING
CONTRACT WITH A TrSCF
ALL COUNTY PLACING AGENCIES OPERATING A TSCF
ALL COUNTY PLACING AGENCIES OPERATING A TrSCF
ALL COUNTIES CONTRACTING WITH A TSCF AND/OR TrSCF

SUBJECT: REMINDER OF REQUIREMENTS FOR THE CARE OF
CHILDREN UNDER THE AGE OF SIX AND PLACEMENT OF
YOUNG CHILDREN IN SHELTER CARE

REFERENCE: [ASSEMBLY BILL 1197 \(BATES\), CHAPTER 1088, STATUTES OF 1993; WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTIONS 319; 361.2; 361.31; 11467.1; 16001; 11462.022; HEALTH AND SAFETY CODE \(H&SC\) SECTIONS 1530.8; 1502.3; TITLE 22, CALIFORNIA CODE OF REGULATIONS, DIVISION 6, CHAPTER 5, SUBCHAPTER 2; TSCF INTERIM LICENSING STANDARDS; TrSCF OPERATING STANDARDS; TrSCF OPERATING STANDARDS; ACL 08-02, ACL 18-42, ACL 20-93, ACL 19-26, ACL 19-53, ACL 20-33, ACL 19-53, ACL 20-38, ACL 21-143](#)

This combined All County Information Notice (ACIN) and Provider Information Notice (PIN) provides a general reminder to Children's Residential [temporary shelter care facilities \(TSCFs\)](#) and [transitional shelter care facilities \(TrSCFs\)](#) licensed to care for children under the age of six about the statutes, regulations and standards that govern

facilities that care for this population. This combined ACIN and PIN also clarifies that temporary shelter care facilities shall not accept placement of children who are under the age of six years, unless the facility is licensed for that age group and meets the requirements of Title 22, California Code of Regulations, Division 6, Chapter 5, Subchapter 2, commencing with [Section 84200](#). This combined ACIN and PIN additionally reminds placing agencies and licensees that use of a shelter is a last placement option and placing agencies must make reasonable efforts to place children, including those under the age of six, with a relative, tribal member, nonrelative extended family member, or in a licensed, certified, approved or a tribally approved foster family home or resource family.

In the case of an Indian child, placing agencies must place the child with an extended family member, as defined by tribal law or custom, or if that is not possible, consistent with the order of the placement preferences set forth by the federal Indian Child Welfare Act, [25 U.S.C. Section 1901](#) *et seq.*, and by subdivision (b) of Section 361.31. Placement must be in consultation and collaboration with the child's tribe, subdivision (g) of section [361.31](#) of the W&IC. For additional resources, please see the California Department of Social Services CDSS website regarding Tribal State Legislation, Regulations, ACLs & ACINs.

Children under age six and ages six to 12 should not be placed in group care settings unless exceptional circumstances exist, family and caregiver finding and engagement activities have been exhausted, and requirements for placement have been met. Placement in TSCFs shall not exceed 10 days and placement in TrSCFs shall not exceed the negotiated timeframe set forth in the TrSCF's operating standards (OS), generally three calendar days. Facilities accepting placement of children under six must meet all legal requirements, including, but not limited to, limitations on duration of stay, staffing ratios, and service provision. Violations of licensing requirements may result in citation, civil penalties, suspension, or revocation as set forth in applicable law.

BACKGROUND

In 1993, [Assembly Bill 1197 \(Bates\), Chapter 1088, Statutes of 1993](#), added [Section 11467.1 to the Welfare and Institution Code \(W&IC\)](#) and [Section 1530.8 to the Health and Safety Code \(H&SC\)](#), mandating the California Department of Social Services (hereafter referred to as "the Department") develop standards to address the specific needs of very young children, from birth to six years of age, experiencing the trauma of separation from their family who must be placed in out-of-home care. The AB 1197 recognized the developmental needs of young children and a half a century of research demonstrating the harms young children experience when children live in institutional settings with a multitude of persons providing care in shifts.

In 1998, the Department adopted the standards set forth in [California Code of Regulations \(CCR\), Title 22, Chapter 5, Group Homes, Subchapter 2, Care for Children Under the Age of Six Years](#). Per the [TSCF interim licensing standards \(ILS\)](#), CCR, Title 22, Chapter 5, Subchapter 2 regulations apply to all TSCFs serving children under the

age of six. Additionally, the requirements found in CCR, Title 22, Chapter 5, Subchapter 2 apply, as specified in the TrSCF's OS, to TrSCFs serving children under the age of six.

As mandated by W&IC Section 11467.1, the standards of care for children under the age of six were developed by a workgroup in consultation with interested parties including various advocacy groups and experts specializing in the development of young children, children in shelter care and family reunification issues, among other areas. Standards encompass the following:

- A safe nurturing environment that supports all aspects of a child's development and provides opportunities to establish primary, trusting relationships with a carefully limited number of adults.
- Psychosocial needs, primary care, parental visits, developmental support, trauma recovery, appropriate discipline, and flexibility in daily activities.
- Guidelines for services to be provided pursuant to a case plan.

REQUIREMENTS FOR TEMPORARY AND TRANSITIONAL SHELTER CARE FACILITIES CARING FOR CHILDREN UNDER THE AGE OF SIX

Requirements for TSCFs and TrSCFs serving children under the age of six include, but are not limited to, the following TSCF ILS and TrSCF OS:

- Licensees shall maintain a staffing level of 1:3 ratio for children under age six (CCR §84265.5, OS §84065.5),
- Generally, for facilities licensed to serve children under six years of age the primary caregivers must be houseparent's who reside with the family group and each family group of six must reside in a family like setting in an individual house, cottage or similar building unless the facility qualifies as a county operated or contracted shelter. County operated or contracted shelters are exempt from these requirements and must comply with the placement duration prescribed by their license. In no event shall a county operated, or contracted shelter retain children under the age of six for more than 30 days (CCR §§84200(c) and 84201(f)(2) and (h)(1)).
- Staff shall supervise at all times a child under age six (CCR §84278, OS §84278)
- Personal services include requirements related to diapering, toilet training, sleeping arrangements (CCR §84277, OS §84272).
- Sanitation requirements include washing and disinfecting items including, but not limited to, bedding and toys used by infants and other cleaning protocols for areas used by infants and infant care staff (CCR §84278.1, OS §84278.1).
- Discipline procedures must be education-based, consistent among caregivers, and include the following: (1) Redirecting child's attention, (2) Focusing on the rule to learn and the reason for the rule, (3) Providing acceptable alternatives, (4) Providing time away from the precipitating situation, and (5) Arranging the environment to allow safe testing of limits (CCR §84272.1, OS §84272.1).

- Discipline shall **not** include confinement to cribs, highchairs, playpens or other similar furniture or equipment.
- Food service additional requirements include (CCR §84276, OS §84276):
 - The facility shall not serve honey or corn syrup to any infant.
 - The facility shall use appropriate seating equipment while feeding children under the age of six, as specified.
 - There shall be an individual feeding plan for each infant that includes specified items and staff shall feed an infant according to the plan, as specified.
 - Bottles and nipples shall be sterilized, as specified.
- Indoor activity space requirements include (CCR §84287.3, OS §84287.3):
 - Equipment, materials, and toys that are age appropriate to the developmental needs of the children, maintained in good condition, sufficient in quantity to allow children to fully participate in planned activities and have opportunity for flexible play, stored safely.
 - Floors of all rooms shall have a safe and clean surface.
- Fixtures, furniture, equipment, and supplies requirements include (CCR §84288, OS §84288):
 - Safe fixtures, furniture, equipment, supplies and toys that are free from toxic materials or substances, in good condition, and baby walkers are prohibited.
 - Furniture shall be provided that is age appropriate in type, height and size, as specified, that includes the following: (1) Tables and chairs, (2) Highchairs, low wheeled feeding tables, or other furniture used for feeding an infant meeting specified requirements, (3) Changing tables/pads, (4) For each infant who is unable to climb from a crib, a standard crib meeting specified requirements, and (5) An age-appropriate bed for each child who can climb from a crib.
 - Safety requirements for toy containers, pacifiers.
 - Toys shall be provided that meet requirements that address safety and developmental needs of children, as specified.
 - Requirements for how furniture and equipment is arranged to maintain safe passageways, staff access to children, and children's access to potty chairs and toilets.
- Removal and/or Discharge Procedures
 - Whenever possible, the facility should transition the child into the new placement by introducing the child to the family or staff associated with the new placement before discharge and in the current facility. In addition, allow staff trusted by the child to accompany the child on a visit to the next placement (CCR §84268.4(a); OS §84068.4).

Placing Agency Responsibilities, and Limitations on Placement and Duration of Stays

A placing agency shall use a shelter only as a last placement option and should make reasonable efforts to place children, including those under the age of six, with a relative, tribal member, nonrelative extended family member, or in a licensed, certified, approved or a tribally approved foster family home or resource family. When the placing agency has reason to believe that the child is or may be an Indian child, the agency shall

comply with the federal Indian Child Welfare Act placement preferences as required by [W&IC subdivision \(b\) of Section 361.31](#), in consultation and collaboration with the child's tribe.

After the initial detention, a child under 12 years of age may be placed in a temporary shelter care facility only when a court finds, placement is necessary to secure a complete and adequate evaluation, including placement planning and transition time. A child may be detained or placed in a temporary shelter care facility only for the duration necessary to enable the county placing agency to perform the required assessments and to appropriately place the child. From admission into the shelter until discharge, the county placing agency must continuously strive to identify and place the child in an appropriate licensed or approved home.

- For TSCFs, in no case shall the placement exceed 10 calendar days. For any stay that exceeds 10 calendar days, as required by [W&IC subdivision \(f\)\(1\) of Section 11462.022](#), the child welfare agency shall submit a written report to the Department, within 24 hours of an overstay, that shall include a description of the reasons and circumstances for the child's overstay and shall be signed by the county child welfare agency director or his or her designee.
- For TrSCFs, in no case shall the placement exceed the time frame allowed by the TrSCF's Essential Terms and OS (OS §80010), generally 3 calendar days. For any stay that exceeds the time frame required by the Essential Terms and OS (OS §84468.4), the county shall submit a written report to the facility, within 24 hours of an overstay, that shall include a description of the reasons and circumstances for the child's overstay, and the steps the county is taking to identify placement options. The licensee shall maintain a copy of the county's written description in the child's file as specified in the OS.

The Department recognizes that sometimes it may be difficult to locate appropriate placements and that this may, in some instances, result in placement delays for children who have been through traumatic experiences. The [W&IC Section 361.2](#) describes placement options into which a social worker may place a child who is removed from the care and custody of their parents. If unable to be placed with relatives, non-related extended family members, in the case of an Indian child, in a placement that satisfies the requirements of [W&IC Section 361.31](#), children must be placed in a "suitable licensed community care facility." However, the [W&IC Sections 319.2, 319.3](#) and [11462.022](#), place limitations on the placement of children under age six and age 12 in shelter facilities as noted above.

As such, should a placing agency seek to place a child under the age of six within a TSCF or TrSCF, the placing agency must also ensure that the facility is licensed to care for children six and under. Placing agencies can confirm the facility is licensed by contacting the facility or the local licensing office.

[W&IC Section 16001](#), requires county placing agencies to conduct regular evaluations of placement resources and programs in relation to the needs of children placed in

out-of-home care, to examine the adequacy of existing placement resources and programs (such as emergency shelter homes and Wraparound programs), and to identify the type of additional placement resources and programs needed. In doing so, counties are encouraged to utilize available complex care capacity building funds outlined in [ACL 21-143](#), for development of appropriate foster care settings. While complex care capacity building funds are available to support a robust continuum, these funds may not be used to develop new temporary or transitional shelter care facilities.

Placement preservation strategies, family finding, child specific caregiver recruitment, and engagement are crucial activities to support the increased usage of home-based placements and to prevent the over reliance on shelter-based care. Below is not an exhaustive list, rather it is list of resources and strategies to support counties regarding family finding and engagement, placement preservation, etc.

- [The CDSS Family Finding website](#)
- [ACL 18-42 Family Finding and Engagement](#)
- [The CDSS Kinship care website](#)
- [ACL 20-93, Emergency Caregiver funding](#)
- [ACL 20-89, Family Urgent Response System for Caregivers and Children or Youth](#)
- [ACL 19-53, the Active Supportive Intervention Services for Transition \(ASIST\) program.](#) The ASIST program provides direct supports including child-specific intensive family finding resources and individual case consultations through contracts held by CDSS.
- Engagement from the AB 2083 State Team to develop an interagency plan that identifies and addresses gaps in the local continuum of care.
- [ACL 08-02](#), Indian Child Welfare Act
- [ACL 19-26](#), Placement Change Requirements
- [ACL 20-33](#), Placement Preservation Guidance
- [ACL 20-38](#), Children and Family Services Division: Implementation Of Assembly Bill 3176 Regarding Indian Children
- [The CDSS has partnered with Daley Solutions](#), to provide digital resource parent recruitment services.

Additional Information

If you have any questions regarding this PIN, please contact your local [Regional Office](#) or the Children's Residential Program at CRPOPpolicy@dss.ca.gov.

If you are a county child welfare services agency, probation department, or tribe and have any questions or need additional guidance regarding the information in this letter, contact the [System of Care Branch](#) (formerly Continuum of Care Reform Branch) at (916) 651-1101 or at ccr@dss.ca.gov. If you are a licensee and have any questions or need additional guidance regarding the information in this PIN, please contact the appropriate [Children's Residential Regional Office](#) or the [Children's Residential Program Policy Bureau](#) at CRPOPpolicy@dss.ca.gov.

To access [all PINs published by the Children's Residential Program](https://www.cdss.ca.gov/inforesources/community-care-licensing/policy/providerinformation-notices/childrens-residential), please visit
<https://www.cdss.ca.gov/inforesources/community-care-licensing/policy/providerinformation-notices/childrens-residential>.

To access [all published ACLs and ACINs](https://www.cdss.ca.gov/inforesources/letters-and-notices), please visit
<https://www.cdss.ca.gov/inforesources/letters-and-notices>.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ, Deputy Director
Children and Family Services Division

KEVIN GAINES, Deputy Director
Community Care Licensing Division